



HOME OCCUPATION APPLICATION

Town of Kittery – Code Enforcement
200 Rogers Road Kittery, ME 03904

MAP _____ LOT _____

PERMIT # _____

DATE _____

PROPERTY LOCATION: ADDRESS _____ BASE ZONE _____ R-RL/R-S/R-KPV/R-U/R-V/R-RC/CON/B-L/B-L1/B-P/C-1/C-2/C-3/MU/ MU-BI/MU-KF		TYPE OF HOME OCCUPATION REQUESTED: <input type="checkbox"/> MINOR HOME OCCUPATION <input type="checkbox"/> MAJOR HOME OCCUPATION *SEE ATTACHED ORDINANCE LANGUAGE FOR CLARIFICATION	
PROPERTY OWNER INFORMATION: NAME _____ MAILING ADDRESS _____ PHONE NUMBER _____ E-MAIL _____ <input type="checkbox"/> MUST PROVIDE COPY OF DEED, PURCHASE & SALES AGREEMENT OR OTHER DOCUMENTATION OF RIGHT, TITLE OR INTEREST.		APPLICANT INFORMATION (IF APPLICABLE): NAME _____ MAILING ADDRESS _____ PHONE NUMBER _____ E-MAIL _____	
PROPOSED USE OF THE PROPERTY, INCLUDING DESCRIPTION OF THE BUSINESS: _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____			
APPLICATIONS MUST ALSO INCLUDE THE FOLLOWING: PLOT/SITE PLAN – PLAN SHOWING ENTIRE LOT, WHERE ANY STRUCTURES ARE LOCATED ON THE LOT, THE LOCATION AND AMOUNT OF PARKING AREAS, OUTDOOR STORAGE OR DISPLAN, INCLUDING LOCATION OF DUMPSTERS FLOOR PLAN – SCALED FLOOR PLAN LABELING THE USE OF EACH ROOM AND SHOWING EXIT DOORS			
HOME OCCUPATION APPLICATION FEE \$40			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED FEE: \$40 RECEIPT #: _____ CEO: _____ DATE: _____		CERTIFICATION: I CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND ANY RELATED SUBMISSIONS TO BE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I WILL NOTIFY THE CODE ENFORCEMENT OFFICER OF ANY CHANGES TO THIS APPLICATION. _____ PROPERTY OWNER DATE APPLICANT DATE	

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

REV 11/15

PLEASE READ **Town Code Title 16, Article XXII Home Occupation** below and then answer the following:

1. Is your business compliant with the definition of a major home occupation or a minor home occupation?	
2. How many workers will you have?	
3. What are the business hours and days of operations?	
4. Where will your business be conducted?	
5. What will be done with refuse and recyclables?	
6. Will there be recurring traffic? If so, how often?	
7. Will you have retail sales? If so, what types of retail products will you sell?	
8. Is the proposed home occupation compatible with the surrounding neighborhood?	

Article XXII. Home Occupation

RECODIFICATION – Amendments Ordained 10/26/2015

16.8.22.1 Purpose.

- A. It is the intent of these regulations governing home occupations to balance the economic and community benefits of allowing home-based businesses with the goal of protecting the quality of life of the surrounding residential neighborhood from unreasonable or unsafe intrusions and nuisances inappropriate to a residential setting. The regulations attempt to ensure that any home-based business operates in a manner that respects the neighborhood in which it is situated.
- B. Regulation of home occupations should not prohibit beneficial and unobtrusive uses and should provide standards to protect the health, safety and general welfare of the surrounding neighborhood. A home occupation should not degrade the residential character of the neighborhood.
- C. These regulations take a two-tier approach to regulating home occupations. At the least intrusive level are business activities that by their nature and intensity will be compatible with a residential location. These types of businesses are considered “minor home occupations” and require only review by the Code Enforcement Officer for compliance with the standards. A “major home occupation” in a residential district has the potential to be incompatible with its neighborhood setting. Therefore, a public hearing with notification to abutting property owners and BOA approval is necessary.
- D. A more extensive business activity that does not satisfy the standards for a “major home occupation” is treated as a type of

commercial use and does not qualify as an acceptable type of home occupation. Such businesses should be located in an

16.8.22.2 Minor Home Occupation Standards.

- A. Compliance with the Definition of a “Home Occupation”.
1. An applicant must be a resident of a dwelling on the premises where the home occupation will occur. An applicant who is not the owner of the property, but is residing on the premises, must submit written permission of the property owner for the proposed home occupation.
 2. As an accessory use, the home occupation(s) must be subordinate to the principal use. Quantitative measures that may be considered in determining whether a proposed activity is an accessory use include, but are not limited to, percentage and/or total amount of square footage attributed to the home occupation(s) use in relation to the residential use. Qualitative factors include, but are not limited to, the projected activity level of the home occupation(s) on the premises in relation to the residential use and whether the proposed home occupation is a traditional accessory use in the community.
- B. Number of Workers. There must be no more than three persons, inclusive of residents of the premises, working in the home occupation(s) at the site at any one time.
- C. Prohibited Uses. The following uses are categorically prohibited as minor home occupations: motor vehicle repair; motor vehicle sales or rental; commercial parking; commercial outdoor storage; machine shop; wholesale use; junkyard; auto salvage yard; seafood cooking, processing and/or cleaning; bait sales.
- D. Business Hours. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of seven p.m. and eight a.m., except for a bed and breakfast, a day care facility or a functionally water-dependent use.
- E. Nuisances.
1. Any excessive noise, dust, smoke, vibrations, glare, direct lighting, objectionable fumes, traffic, or electrical interference detected at the property boundary must not be greater in duration or intensity than that expected in the surrounding residential neighborhood.
 2. When reviewing a functionally water-dependent use, the above standards allow customary noises and smells caused by the use if all practicable steps are taken to manage and minimize the adverse impact on abutting property owners.
- F. Parking. A plan must be submitted showing sufficient and safe parking for customers’, clients’ and workers’ use during normal business operations. To the maximum extent practicable, parking should be arranged so as to avoid vehicles backing out into the street.
- In addition to parking required for the residence, the following parking is required:
1. One parking space per nonresident worker at the site during the peak shift;
 2. One parking space if clients or customers frequently visit the site;
 3. One parking space per adult student up to the maximum class size; or
 4. One parking space per rental unit.
- G. The parking design standards in Figure 2 for Chapter 16.8, set out at the end of this chapter (e.g., aisle width, stall size, etc.) may be modified for parking by workers if the parking arrangement will still provide for practical off-street parking adequate to prevent parking from overflowing the site.
- H. With the exception of a bed and breakfast with more than three rooms for rent, three additional off-street parking spaces should satisfy the parking demand for a minor home occupation. Any recurring observed parking overflow is a violation of these standards.
- I. The CEO may approve the joint use of a parking area where it is clearly demonstrated that the parking area will be available for use by customers or workers during the hours of operation due to the variation in time of use.
- J. Outdoor Storage. All outdoor storage of equipment, vehicles, items or equipment associated with the home occupation is prohibited except for the following:
1. One vehicle used in conjunction with the home occupation;
 2. Seasonal storage of items necessary for functionally water-dependent uses, such as lobster traps; and
 3. Vehicles owned by residents of the premises with valid license plates.
 4. All bait must be stored indoors and must be kept refrigerated or otherwise stored to prevent offensive odors.
- K. Business Conduct. All business activities on the site must take place within the dwelling or enclosed buildings, except for outdoor recreational uses, agriculturally-oriented uses or functionally water-dependent uses.
- L. Refuse and Recyclables. All refuse and recyclables must be stored within an enclosed building. No outdoor dumpsters are allowed. All waste materials from the home occupation must be removed from the premises on at least a monthly basis.
- M. Traffic. The home occupation must not result in creating or significantly exacerbating a traffic hazard. Recurring vehicle traffic involving vehicles larger than a twenty (20) foot fixed axle, thirty (30) foot total length truck is prohibited.
- N. Retail Sales. Retail sales in which customers do not come to the premises are permissible, such as mail order or telephone sales. On-site retail sales are limited to the following:
1. Sales of products grown, raised or produced on the premises. For the purposes of this subsection, the term “produced” is not to be construed to allow the assembly of a product from components produced elsewhere; and
 2. Sales of items customarily incidental and subordinate to a nonretail home occupation, such as sales of shampoo and hair brushes at a beauty salon.
 3. All other on-site retail sales are prohibited as a minor home occupation.
- O. Health and Safety. The proposed use must not create a health or safety hazard.

16.8.22.3 Major Home Occupation Standards.

- A. Compliance with the Definition of a “Home Occupation.”
1. An applicant must be a resident of a dwelling on the premises where the home occupation will occur. An applicant who is not the owner of the property, but is residing on the premises, must submit written permission of the property owner for the proposed home occupation.
 2. As an accessory use, the home occupation(s) must be subordinate to the principal use. Quantitative measures that may be considered in determining whether a proposed activity is an accessory use include, but are not limited to, percentage and/or total amount of square footage attributed to the home occupation(s) use in relation to the residential use. Qualitative factors include, but are not limited to, the projected activity level of the home occupation(s) on the premises in relation to the residential use and whether the proposed home occupation is a traditional accessory use in the community.
- B. Number of Workers. There must be no more than five persons, inclusive of residents of the premises, working in the home occupation(s) at the site at any one time.
- C. Prohibited Uses. The following uses are categorically prohibited as major home occupations: motor vehicle repair; motor vehicle sales or rental; commercial parking; commercial outdoor storage; junkyard; and auto salvage yard.
- D. Business Hours. Business activities involving clients or customers on the premises or vehicular traffic to and from the premises must not be conducted between the hours of seven p.m. and seven a.m., except for a bed and breakfast, a day care facility or a functionally water-dependent use. This limitation may be modified by the BOA provided the proposal satisfies the intent of this section.
- E. Nuisances.
1. Any excessive noise, dust, smoke, vibrations, glare, direct lighting, objectionable fumes, traffic, or electrical interference detected at the property boundary must not be greater in duration or intensity than that expected in the surrounding residential neighborhood.
 2. When reviewing a functionally water-dependent use, the above standards allow customary noises and smells caused by the use if all practicable steps are taken to manage and minimize the adverse impact on abutting property owners.
- F. Parking. A plan must be submitted that provides safe and sufficient off-street parking to meet the needs of the business to prevent parking from overflowing off the site. Any recurring observed parking overflow is a violation of these standards. The creation of more than four off-street parking spaces must be located, designed, screened and landscaped to minimize adverse impact on abutting properties.
- G. Outdoor Storage. All outdoor storage of equipment, vehicles or items associated with the home occupation must be screened from view of abutting properties and from all streets except for the following:
1. One vehicle used in conjunction with the home occupation;
 2. Seasonal storage of items necessary for functionally water-dependent uses, such as lobster traps; and
 3. Vehicles owned by residents of the premises with valid license plates.
 4. All bait must be stored indoors and must be kept refrigerated or otherwise stored to prevent offensive odors.
- H. Business Conduct. All business activities on the site must take place within an enclosed building or be screened from view of abutting properties and from all publicly-maintained streets, except for outdoor recreational uses, agriculturally oriented uses or functionally water-dependent uses. This standard may be modified by the BOA provided the proposal satisfies the intent of this section.
- I. Refuse and Recyclables. All refuse and recyclables must be stored in containers that are screened from view of abutting properties and from streets. No emptying of dumpsters is allowed before eight a.m. or after seven p.m.
- J. Traffic. The home occupation must not result in creating or significantly exacerbating a traffic hazard. Furthermore, the home occupation must not create an objectionable increase in vehicle traffic considering the type, time and amount of vehicle traffic generated and the design and capacity of the roads to the site and traffic normal for the neighborhood.
- K. Retail Sales. Retail sales on the premises are limited to the following:
1. Sales in which customers do not come to the premises, such as mail order or telephone sales;
 2. Sales of products grown, raised or produced on the premises;
 3. Sales of seafood harvested by the residents of the premises;
 4. Sales of items customarily incidental and subordinate to a nonretail home occupation, such as sales of shampoo and hair brushes at a beauty salon; and/or
5. Sales by appointment only for which any signage identifying the business states a “by appointment only” policy.
- L. Health and Safety. The proposed use must not create a health or safety hazard.
- M. Neighborhood Compatibility. The proposed use is determined to be compatible with the surrounding neighborhood. In reaching this determination, the following factors are to be considered:
1. The nature of the property;
 2. The physical characteristics of the neighborhood, including the amount of nonresidential activity;
 3. Hours of operation;
 4. Intensity of the activity;
 5. Potential to degrade the quality of life for residents of the surrounding neighborhood; and

- N. Large Lots. When a seventy-five (75) foot deep buffer yard is provided between all business activities (including storage and parking, except a driveway) and contiguous properties, and the buffer yard is sufficiently vegetated, fenced or otherwise screened so as to obscure the home occupation activities from an abutting property, the BOA may relax the above standards, except those pertaining to nuisances and prohibited uses, if the use is considered to comply with the intent of this subsection.
- O. Annual Renewal. Upon approval of a major home occupation by the Board of Appeals, the Code Enforcement Officer is authorized to issue a certificate of occupancy permit for not more than a one-year time period. Such permit may be renewed annually upon application to the Code Enforcement Officer. Operation of a major home occupation with an expired certificate of occupancy is a violation of this Code.

The annual permit may be renewed only if the Code Enforcement Officer finds the major home occupation complies with all applicable standards of this Code and any conditions required by the Board of Appeals in the original approval.